

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

WAYDE LYNN KURT,

Defendant.

**Case No. CR-10-0114-WFN-1****CRIMINAL MINUTES****DATE: OCTOBER 20, 2011****LOCATION: SPOKANE****JURY TRIAL-DAY 4**

<b>Hon. Wm. Fremming Nielsen</b>			
Joanna L. Knutson	Brian T. Quirk	N/A	Debra Kinney Clark
<b>Courtroom Deputy</b>	<b>Law Clerk</b>	<b>Interpreter</b>	<b>Court Reporter</b>
Earl A. Hicks and Stephanie A. Van Marter		Richard D. Wall	
<b>Plaintiff's Counsel</b>		<b>Defense Counsel</b>	

☒ **Open Court**☐ **Chambers**☐ **Telecon**

Defendant present in custody of United States Marshal with retained counsel. Court convenes, on the record, in open court with counsel, Defendant and jury present.

Defendant continues case-in-chief. Testimony presented by sworn Defendant **Wayde Lynn Kurt**, direct (admitted Government Exhibits 22, 8 and 7 discussed with witness).

**Recess: 9:59 a.m. to 10:16 a.m.**

Direct resumed of **Wayde Lynn Kurt** (admitted Government Exhibit 23, Defendant's Exhibits 104, 105 [BOTH ADMITTED], admitted Government Exhibit 24, Defendant's Exhibits 107 and 108 [Court RESERVED on the issue of admission as to these two exhibits], Government Exhibits 1b, 2b [pages 18, 19 and 20 of 8/12/10 transcript ADMITTED and ADDED to Exhibit 2b] and 3b all discussed with witness).

Jury excused at 11:56 a.m. Court noted it had earlier reserved on the issue of the two books, Exhibits 107 and 108, but indicated he will SUSTAIN the Government's objection for the reasons stated on the record.

**Recess: 11:57 a.m. to 1:00 p.m.**

Court informed the jury that at the start of the recess he sustained the objections to Exhibits 107 and 108. Direct resumed of **Wayde Lynn Kurt** (admitted Exhibit 3b and 6b discussed with witness). Government requests a brief hearing outside the presence of the jury before proceeding. Jury excused at 1:24 p.m.

Mr. Hicks addressed the Court and made an oral motion to introduce Defendant's additional prior convictions in light of his direct testimony. Defense counsel responds. Government counsel both addressed the Court regarding an additional video that will be offered during cross that has not been disclosed to the defense as well as offering an unredacted copy of Exhibit 7. Jury returned to courtroom at 1:37 p.m.

Cross by Mr. Hicks of **Wayde Lynn Kurt** (Government Exhibits 50, 13 and 52 ADMITTED and discussed with the witness).

**Recess: 2:34 p.m. to 2:49 p.m.**

<b>CONVENED: 8:29 A.M.</b>	<b>ADJOURNED: 4:32 P.M.</b>	<b>TIME: 6:29 HR.</b>	<b>CALENDARED [ X ]</b>
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Cross resumed by Mr. Hicks of **Wayde Lynn Kurt** (Government Exhibits 8 and 51 [ADMITTED] discussed with witness); redirect, recross by Mr. Hicks, witness excused. Defense rests. Government advised it has no rebuttal.

Court recesses trial for the day and admonishes the jury until 8:30 a.m. tomorrow at which time the jury will be instructed and hear closing arguments. Court will meet with counsel at 8:00 a.m.